

Ms. Heather L. Kennedy  
Ms. Karen M. Klaver  
C.N.M.I. Public School System  
P.O. Box 501370 CK  
Saipan, MP 96950  
Telephone: (670) 237-3046  
Facsimile: (670) 664-3713

Attorney for: Public School System

Case 1:05-cv-00038 Document 41-2 Filed 08/17/2006 Page 1 of 3

IN THE UNITED STATES DISTRICT COURT  
OF THE NORTHERN MARIANA ISLANDS

LISA BLACK,

Plaintiff,

vs.

JIM BREWER, CNMI Public School  
System and JOHN AND/OR JANE  
DOE,

Defendants.

) Civil Case No. 05-0038

)

)

)

) Defendant CNMI Public School System's

) Response to Plaintiff's Second Motion to

) Compel

)

)

)

)

)

**DEFENDANT THE CNMI PUBLIC SCHOOL SYSTEM'S RESPONSE TO**  
**PLAINTIFF'S SECOND MOTION TO COMPEL**

Comes now the CNMI Public School System (PSS), through Counsel, to submit the  
following response to Plaintiff's Motion to Compel.

1 In the Memorandum of Support to Plaintiff's Second Motion to Compel, Plaintiff  
2 contends that PSS "again refused to answer specific document requests asking them to  
3 produce documents that they will use to support various factual contentions". Plaintiff's  
4 statement is incorrect for two reasons. First, PSS did not refuse to produce documents in  
5 response to Plaintiff's Second Production Requests. PSS refused to identify documents by  
6 bates number in response to each of Plaintiff's requests. PSS briefed this issue in response to  
7 Plaintiff's First Motion to Compel. Second, Plaintiff's Third Production Request was not  
8 directed at PSS so the allegation that PSS again refused to produce documents is incorrect.  
9

Case 1:05-cv-00038 Document 41-2 Filed 08/17/2006 Page 2 of 3

10 Plaintiff Second Motion to Compel also raises two complaints regarding PSS's  
11 Responses to Plaintiff's Second Set of Interrogatories and Production Requests for  
12 Admissions and Special Interrogatory. In its memorandum in support of its motion to  
13 Compel, Plaintiff makes the broad allegation that Defendants' responses that refer to other  
14 interrogatories are insufficient. Plaintiff does not identify with particularity the interrogatory  
15 responses that are of concern. PSS will assume that Plaintiff refers to PSS's Response to  
16 Interrogatory 9.  
17  
18

19 Interrogatory No. 9 requests information "as described in Interrogatory No. 7." As  
20 PSS's objections and response are the same, it is appropriate to refer Plaintiff back to  
21 Interrogatory No. 7. It is wasteful for Plaintiff to require PSS to cut and paste the same  
22 answer in its response, particularly when the request is in the same area and Plaintiff's  
23 Request No. 9 incorporates Interrogatory No. 7.  
24

25 Interrogatory No. 7 requests information regarding all PSS employees that applied for  
26 or received funding from the Governor's Office. PSS produced to Plaintiff documents  
27 regarding grants received by Hopwood Junior High School (HJHS) employees because HJHS  
28

1 had this information in its possession. As stated in its response, PSS is not in possession of  
2 information regarding all grants distributed to PSS employees by the Governor's Office.  
3 PSS, as an autonomous agency created by the CNMI Constitution, is not a part of the  
4 executive branch of the CNMI government and does not have custody or control over the  
5 former Governor's files. Plaintiff, like HJHS, can request this information from the  
6 **Case 1:05-cv-00038 Document 41-2 Filed 08/17/2006 Page 3 of 3**  
7 Governor's Office or the grant recipients.

8 Finally, Plaintiff's Request for Admissions and Interrogatories are beyond the scope of  
9 discovery, burdensome and harassing. Federal Rules of Civil Procedure Rule 26 (a)(3)(C)  
10 specifically addresses pre-trial disclosures of documents and objections thereto. Rule 26  
11 (a)(3)(C) requires disclosure of documents and exhibits that a party expects to offer at trial at  
12 least 30 days before trial and allows a party to identify objections to admissibility of the  
13 materials within 14 days thereafter. PSS will provide its objections to Plaintiff's documents  
14 or exhibits after Plaintiff identifies documents that it will produce at trial as we enter the  
15 pretrial disclosure phase of this litigation.  
16  
17  
18

19 Submitted this 17<sup>th</sup> day of August, 2006.  
20

21 By:

22 \_\_\_\_\_  
/s/

23 Heather L. Kennedy

24 Attorney for the Public School System  
25  
26  
27  
28